

# **WISCONSIN'S SEXUALLY VIOLENT PERSONS LAW CHAPTER 980**

**Presentation to Joint Committee for  
Review of Administrative Rules**

**“Placement of ‘Sexually Violent Persons’  
in the Community”**

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# Presentation Overview

- Chapter 980 Overview
- The Supervised Release Program
- Community Placement Process
- Placement Criteria

# **Conditions That Have To Be Proven For A Chapter 980 Commitment**

- 1.** Person was convicted, adjudicated delinquent or found not guilty by reason of mental disease for a sexually violent offense.
- 2.** At the time of the petition for probable cause, the person was within 90 days of discharge or release from a facility.
- 3.** Person has a mental disorder, which is defined as a congenital or acquired condition affecting the emotional or volitional capacity that predisposes a person to engage in acts of sexual violence.
- 4.** Person is dangerous to others because the person's mental disorder creates a substantial probability that he or she will engage in acts of sexual violence.

# Chapter 980 Patient Population

Placement	Committed	Detained	Total
S R S T C	201	8	209
W R C	21	36	57
Sup. Release	14	N.A.	14
TOTAL	236	44	280

# CHAPTER 980 “RELEASES”

## **Two versions of release:**

1. **Supervised Release-** person placed in least restrictive alternative because of court determination that the individual’s risk can be managed in the community.
  - At present 14 individuals are in the community on SR.
  - During history of program, there have been 13 revocations.
2. **Discharge-**person released from the commitment because of court determination that criteria no longer met; no conditions attached to person.
  - A total of 10 individuals have been discharged (not counting 5 deaths).
  - Of total discharges, 5 were on SR and 5 were not on SR.

# **Perspectives on the Chapter 980 and Supervised Release Populations**

## **Legal:**

- Chapter 980 is a civil commitment.
- Applies to individuals only after they have completed their institutional time.
- Significant constitutional issues need to be considered.

## **Interstate:**

- Over 2/3's of the States do not have the option of civil commitment at end of sentence.
- In those states, high risk sex offenders are released at the end of sentence.
- WI has higher number of SVP community releases than the other civil commitment states.

# **Perspectives Cont.**

## **Statistical:**

- WI has approximately 10,700 registered sex offenders living in the community. Of this total, 4,200 are on some type of community supervision, while 6,500 have completed their supervision.
- The 14 Supervised Releases presently in the community represent only a small percentage of sex offenders already in the community. Specifically, of the 10,700 registered sex offenders living in the community, Supervised Release placements represent only 0.1% of this total.

## **Programmatic:**

- Chapter 980 is intended to address the highest risk for re-offense sex offenders in the State.
- State has targeted an array of specialized resources toward this very significant problem-- extensive treatment programming, release process based on individualized decision by Courts, substantial resources for community supervision and treatment, etc.

## **Conclusion:**

- Important to consider the issue of Supervised Releases within the overall context for Chapter 980.

# Supervised Release Process

**The following steps outline the Supervised Release process:**

- Patient petitions Court for Supervised Release.
- Court conducts hearing to collect and consider evidence.
- Court either grants or denies the patient's request based on the Court's conclusion whether the patient's risk is appropriate for a community placement.
- If granted, Court orders DHFS to prepare a comprehensive Supervised Release plan.
- DHFS prepares plan in consultation with other involved parties--e.g., Probation and Parole, law enforcement, prosecutor, treatment staff, local officials, etc.
- Plan submitted to the Court for its review and approval.
- Final plan approved by the Court.
- DHFS provides Special Bulletin Notice to local law enforcement.
- Core team meeting to discuss the nature and process for community notification.
- Community notification is completed by local law enforcement, with participation by DHFS and DOC.
- Placement occurs and the plan is implemented.
- The individual placement and plan is monitored for compliance.

# Supervised Release Plan

- Each plan is individualized to reflect the individual's needs and risks, as well as the characteristics of the community setting.
- Plan includes the following components:
  - **Location of residence** -- almost always the most difficult part of the plan to complete.
  - **Ongoing sex offender treatment services**--sometimes difficult to identify treatment commensurate with the patient's treatment status/needs.
  - **Community supervision and monitoring**--consists of electronic monitoring, at least weekly Probation and Parole visits, usually twice daily monitoring visits, and chaperoned transportation.
  - **Any other treatment issues** --plan addresses any other treatment (physical or mental) that the patient requires.
  - **Maintenance polygraph exams**-- periodic exams to assess individual's adherence to plan.
  - **Review and approval for any major changes**-- if patient wants to make significant change in his circumstance (such as getting a job, participating in some activity, etc.), his request is reviewed and decided by his treatment team.
  - **Standard rules for sex offenders** -- comprehensive list of rules applied to all sex offenders on supervision.

# Process for Residence Selection

- Residential searches start when the Court approves a Supervised Release.
- Typically, the search is performed by a private provider under contract with the Department --searching for residence that meets the criteria specified by DHFS.
- In some situations, DHFS staff also directly search for potential residences.
- Once a potential residence is identified, it is reviewed for appropriateness by DHFS Supervised Release program staff and Probation and Parole staff.
- If residence is determined to be appropriate, it is included in the Supervised Release plan for the Court's review and approval.
- If appropriate residence can not be identified within the allotted time frame (60 days by statute), the Department requests an extension.
- Most residential SR placements are in rented houses or apartments--landlord is fully informed about the individual and Chapter 980.
- Any involved parties who want to participate in the residential search process are welcomed to participate by the Department (specific contacts with law enforcement are also made).

# Criteria for Residence Selection

- Residence selection is an individualized decision within the context of each Supervised Release case. Need to consider the characteristics of the individual (e.g., victim profile, physical limitations, etc.) as well as the characteristics of the community (e.g., range of available housing, law enforcement presence, etc.).
- The following criteria are utilized to identify, screen and review potential housing options:
  1. **Legal Criteria**: The logic of Chapter 980 is that individuals should be returned to their county of residence for placement. Out-of-county placements are possible under Chapter 980, but would generally be used only for extraordinary reasons. In addition, the law specifies that in developing placements the Department is directed to work to minimize to the greatest extent possible, the residential population density of sex offenders.
  2. **General Proximity Guidelines**: To the extent practicable, the Department attempts to rule out placements that are in close proximity to certain types of facilities: schools, licensed day cares, parks, other licensed child facilities, and other entities at which children may congregate. The Department does not have an absolute rule on minimum distances, but rather uses a rule of reasonableness that considers the specifics of the case. (It should be noted that there is no documented impact of proximity to certain facilities in re-offenses.)

# Criteria Cont.

3. **Proximity to Potential Victims**: If a potential residence does not provide reasonable physical distance away from vulnerable potential victims, the residence will be eliminated from consideration. For example, if children live in a multi-unit apartment building, and the individual has a history of offending against children, the apartment would be ruled out.
4. **Victim Proximity**: If the victims of an individual live in a concentrated area, the Department would attempt to locate the residence in an alternate location.
5. **Market Availability and Price**: Supervised Release clients are placed only in settings where the landlord understands the characteristics of the Chapter 980 population.
6. **Proximity to Services**: Specialized Probation and Parole Agents, specialized sex offender treatment providers, health care providers, and vocational opportunities.

## CONCLUSION:

In reality, there is no such thing as an “ideal” residence for a high-risk sex offender. In virtually every case, the selection of a residence does not come down to a choice between multiple locations. Rather, the choice comes down to selecting the best available location, and then building supervision and other services around the best available site.